



Costs Decision

Site visit made on 13 July 2020

by Robin Buchanan BA (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Costs application in relation to Appeal Ref: APP/Y9507/W/20/3250057 Hurst Farm, Hurst Lane, Owslebury SO21 1JQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Hoult for a full award of costs against South Downs National Park Authority.
 - The appeal was against the refusal of planning permission for the erection of an equestrian barn and construction of a manège.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. I note that the applicants were aggrieved by the Authority's procedural handling of the appeal application at application stage, including the circumstances by which it was determined. However, having made the decision that it did, the application is for a full award of costs and is, essentially, that the Council's reason for refusal is unjustified and unwarranted, based on generalised and vague assertions and that there is no evidence to substantiate it. The applicants consider that this has resulted in unnecessary expense and delay in the appeal process.
4. I appreciate that the Authority's decision was a surprise to the applicants, given that officers supported the appeal proposal, and that the applicants disagree with the Authority's reason for refusal. The PPG points out that local planning authorities (LPAs) are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, LPAs will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support their decision in all respects.
5. The evidence before me is that at the committee meeting the Authority's members had the benefit of a written officer report (which included a site description, a summary of the proposed development, relevant planning history, policies and guidance, consultation responses, public representations and officers' professional judgement in respect of planning considerations and a recommendation), an officer presentation (including plans and photographs), oral submissions made by officers, members and third parties (including in

response to questions by members) and some members had visited the appeal site and surrounding area before the meeting.

6. Notwithstanding the applicants' claim that 'quantifiable or technical evidence' is absent from the Council's decision, I nevertheless consider that Members were sufficiently well advised about the proposal and the appeal site, including its surrounding context, during their debate and questions and in exercising their judgement. Furthermore, that it may have taken some time for members to crystallise their reasons for refusal, including with assistance from officers, is not unusual and not in itself indicative of any lack of substance. Indeed, the Authority's reasons for refusal (in conjunction with the minutes of the committee meeting) are clear and precise, include reference to relevant development plan policies and relate to matters of acknowledged planning interest.
7. Consequently, I consider that the Authority determined the appeal application in a reasonable manner. It has also given reasons for its refusal of planning permission and while it may be seen from the related appeal decision that I do not agree with these reasons, I consider that the Council exercised its judgement in a reasonable manner.

Conclusion

8. For the reasons given, I find that unreasonable behaviour by the Authority resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that a full award of costs is not justified, nor is a partial award for the same reasons.

Robin Buchanan

INSPECTOR